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C O N F I D E N T I A L SECTION 01 OF 02 KHARTOUM 000579

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AF/SPG FOR FIERST AND DRL FOR GILBRIDE

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TAGS: PHUM PGOV PINR SU UN

SUBJECT: U.N. SPECIAL RAPPORTEUR FOR HUMAN RIGHTS VISITS  
SUDAN

Classified By: P/E Chief E. Whitaker, Reason: Section 1.4 (b) and (d)

¶1. (C) SUMMARY: United Nations Special Rapporteur on Human Rights in Sudan, Dr. Sima Samar, briefed diplomats yesterday in Khartoum at the end of her week-long visit to Sudan. Though Samar reported little progress on national security reform or the creation of national human rights institutions, she did say that Sudan had promised to ratify the Convention to End All Forms of Discrimination Against Women (CEDAW) by the end of the year -- a major shift in thinking<sup>8</sup> since her last visit. She also explained the challenges of drafting human rights law in Southern Sudan, and called upon the international community to provide technical assistance. By her own account, Samar's visit went well -- or at least better than reported in the Khartoum papers -- though the real question now is whether this visit will be her last.  
END SUMMARY.

¶2. (C) The United Nations Special Rapporteur on the Situation of Human Rights in Sudan, Dr. Sima Samar, told foreign diplomats on March 5 that Sudan's Government of National Unity (GNU) had promised to ratify the Convention to End All Forms of Discrimination Against Women (CEDAW) by the end of the year, but that it still faced several obstacles before it fully implemented the Comprehensive Peace Agreement (CPA), especially in terms of legal reform. Samar briefed the diplomatic corps in Khartoum at the conclusion of a seven-day visit to Sudan; the trip was her second since she was named Rapporteur in July 2005.

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Mixed Results on Security Reform, CPA Commissions  
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¶3. (C) Samar's visit focused on the reform of the national security apparatus and the creation of national human rights institutions, as mandated by the CPA. Her meetings with officials from Sudan's National Intelligence and Security Service (NISS) went well,<sup>8</sup> though she was concerned that the NISS was actually expanding its role in society, rather than reducing it. According to Samar, GNU Minister of State for Presidential Affairs Telar Deng said the NISS would add 120 new positions this year, partially in response to the situation in Darfur.

¶4. (C) She also questioned the tight schedule for establishing human rights protection commissions under the CPA. &Sudan is trying to do in a year what it took us three years to do in Afghanistan,<sup>8</sup> explained Samar, who also served as Deputy Chair of the Interim Government of Afghanistan, and is now Chair of the Afghanistan Independent Human Rights Commission. Her comments were echoed by a representative from the Delegation of the European Commission, who complained that the GNU was &rushing to meet certain time schedules<sup>8</sup> -- particularly in the establishment

of national commissions -- without first undertaking real legal reform.

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But Real Progress on Women,s Issues  
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15. (C) Asked by PolOff about the government,s poor record on violence against women, Samar did report some progress in efforts to persuade Sudan to ratify the Convention to End All Forms of Discrimination Against Women (CEDAW). When she last met with officials from the Ministry of Justice, in November 2005, there had been &overwhelming opposition8 to ratification, with one minister complaining that &it was impossible for a Muslim country.<sup>8</sup> Now, however, Samar reported the Ministry was &working on it,<sup>8</sup> and the same minister told her Sudan would ratify the convention by the end of 2006 -- though possibly with reservations on some of the articles. In her mind, this represented a real &shift in thinking8 on the part of the GNU.

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Southern Sudan: The Challenge of Legal Reform  
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16. (C) Responding to a question from the Ambassador of the Netherlands about her visit to Juba, Samar told the gathering that the only human right people enjoyed in Southern Sudan was &freedom of movement.<sup>8</sup> Moreover, though authorities in the North had some experience in government, former rebel groups in the South had very little background in government, law, or human rights. Implementing human rights protections in the South required merging the laws of the &New Sudan<sup>8</sup> with local customary law and the laws of the North -- a challenge under any circumstances, but a particularly

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daunting one for a society without trained jurists. Nevertheless, Samar believed the United Nations could play a key role ↗ just in criticizing them (the Sudan People,s Liberation Army), but in showing them how to make it work,<sup>8</sup> and urged the international community to provide technical assistance for legal reform in Southern Sudan.

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A &Heated Discussion8 with Lawmakers over New NGO Law  
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17. (C) Samar,s calm disposition during the session with diplomats was at odds with reports in Khartoum,s Arabic language newspapers, which said she had been &kicked out<sup>8</sup> of the National Assembly one day earlier, following a meeting with lawmakers. An Embassy contact at the United Nations Mission in Sudan (UNMIS) Human Rights Office who accompanied Samar to the National Assembly denied the story, explaining that the Special Rapporteur had asked legislators several questions about the recently passed Humanitarian and Voluntary Work Law. (The law places new restrictions on international NGOs operating in Sudan; Post will provide a detailed report on the new law in septel). The lawmakers and the Special Rapporteur had a &heated discussion8 about the law, with one member demanding &Who do you think you are to talk to us like that?<sup>8</sup> Samar left the session without incident, according to the contact.

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Comment: Will She Come Back?  
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18. (C) Samar will no doubt have plenty to report to the United Nations Commission on Human Rights, though it is not clear that Sudan has made much progress since her last visit. Her real utility may come from being an articulate, Muslim woman from a predominately Islamic war-torn country speaking out on the need to protect human rights in another largely Islamic war-torn country. But when asked by PolOff whether

or not she plans to return to Sudan before her one year term expires, she deflected the question deftly: &That depends on what your country decides to do with the Human Rights Council.<sup>8</sup>

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